



UNITED STATES DEPARTMENT OF COMMERCE
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EXAMINER

HOKE, V

ART UNIT PAPER NUMBER

153

57

DATE MAILED:

06/29/90

FINNEGAN, HENDERSON, FARABOOW, GARRETT &
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WASHINGTON, D.C. 20005

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 4-5-90 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice re Patent Drawing, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ _____

Part II SUMMARY OF ACTION

- ☒ Claims 71, 73-75, 77, 78, 80-85, 87, 88, 89, 91, 92, 94-102, 104-106 are pending in the application.
108, 109, 111, 119, 121-123, 125, 126, 128-134, 136-138, 140, 141,
143 to 233 are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☒ Claims 192-233 are allowed.
- ☒ Claims 71, 80-85, 94-102, 104-106, 108, 109, 111-119,
128-134, 143-192 are rejected.
- ☒ Claims 73, 75, 77, 78, 87, 88, 89, 92, 104-106, 108, 109,
121 to 123, 125, 126, 136-138, 140, 141 are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Art Unit 153

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent.

Claims 71, 80-85, 90, 94-102, 111-119, 128-134, 143-191 are rejected under 35 U.S.C. 102(a) as being fully met by Japanese Kokai 56-2336 and 55-160,044 for the reasons of record.

Applicants absence of stipulating the possible Sn-halide bonding in claims such as 71 and 85 and absence of stipulating the possible Sn-S(R/Coor) R-OH/RCOOH) bonding in claims such as 149-191 does not obviate the rejection since in the failure to recite the remaining Sn linked moieties (which can be ostensibly be halogen in the first instance and mercapto groups in the second), the organotin mercapto/acid/ester halides of these references dual stabilizer system (organotin plus mercapto alcohol-derived monocarboxylic acid ester) is not precluded by said incomplete organotin compound definitions. Contrary to applicants contention while the above set of claims may be considered narrower in one aspect (Sn-halide bonding as opposed to Sn-O, Sn-P or Sn-S bonding) the failure to recite the remaining moiety's scope, (teravalent organotin compounds are contemplated), indicates that the references remaining mercapto radicals' presence are not precluded. Therefore the claims are even broader than the claims

which they replace (59-62 and 64-69) since ~~there~~^{is} is no stipulation that the remaining radical be a residue resulting from the "removal of a hydrogen atom from the oxygen atom of a carboxylic acid, an alcohol or a polyol" or "removal of the hydrogen from the sulfur atom of a mercaptan, mercapto acid, mercapto alcohol, mercapto acid ester or mercapto alcohol ester". Since applicants organotin compound is now even broader the Board's holding that the Japanese references showed more of the claimed compound than the affidavit evidence presented is yet a valid basis for concluding that a generic concept was not established by applicants prior to these references publications.

16. Claims 71, 80-85, 90, 94-102, 111-119, 128-134 and 143-148 are rejected under 35 U.S.C. 102(b) as being Bresser et al (984).

The rejection remains since applicants Sn-linked mercapto acid ester residue definition does not preclude references S,S' linked mono or dicarboxylic acid ester linked Sn compounds.

17. Claims 149, 156, 163-166, 172, 173-176, 183, 184 and 191 are rejected under 35 U.S.C. 102(a) as being fully met by Kugele (114).

Contrary to applicants counsels assertion these claims broad mercapto alkanol ester of a mono carboxylic acid do not define over those of this reference wherein the acid is a mercapto substituted acid. Monocarboxylic acid is generic thereto. Hydrocarbyl mono-carboxylic would obviate the rejection.

Art Unit 153

18. Claims 73, 74, 75, 77, 78, 87, 88, 89, 91-92, 104-106, 108, 109, 121-123, 125, 126, 136-138, 140, 141 and 192-227 are allowed.

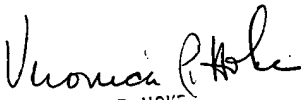
19. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE (3) MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO (2) MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE (3) MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX (6) MONTHS FROM THE DATE OF THIS FINAL ACTION.

V. HOKE:esj

6/24/90

6/29/90


VERONICA P. HOKE
PATENT EXAMINER
GROUP 150 - ART UNIT 153